

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ABDUL-AZIZ RASHID
MUHAMMAD,

Petitioner,

V.

ERIC WILSON,

Respondent.

Civil Action No. 3:14CV387–HEH


MEMORANDUM OPINION
(Denying Rule 59(e) Motion)

Abdul-Aziz Rashid Muhammad, a federal inmate proceeding *pro se*, submitted a 28 U.S.C. § 2241 Petition. (“§ 2241 Petition,” ECF No. 1.) In 1990, the United States District Court for the Eastern District of Kentucky convicted Muhammad of conspiracy to commit armed bank robbery, aiding and abetting armed bank robbery, use of a firearm during a crime of violence, and possession of a firearm by a convicted felon. *See United States v. Muhammad*, 948 F.2d 1449, 1452 (6th Cir. 1991); (§ 2241 Pet. Ex. 1). The Sentencing Court sentenced Muhammad to 327 months of imprisonment followed by a mandatory twenty-year consecutive sentence for his 18 U.S.C. 924(c) use of a firearm conviction. *Muhammad*, 948 F.2d at 1452. Thereafter, Muhammad began to file numerous post-conviction challenges to his conviction and sentence. *See Muhammad v. Purdue*, No. 5:12CV129, 2013 WL 4508870, at *6 (N.D. W. Va. Aug. 23, 2013) (outlining Muhammad’s prior challenges in various federal courts).

By Memorandum Opinion and Order entered on August 15, 2014, this Court denied Muhammad's latest § 2241 Petition challenging his 1990 conviction and sentence under 18 U.S.C. § 924(c) for want of jurisdiction. (ECF Nos. 7–8.) On August 22, 2014, the Court received Muhammad's motion for relief under Federal Rule of Civil Procedure 59(e) ("Rule 59(e) Motion," ECF No. 9).

The United States Court of Appeals for the Fourth Circuit has recognized three grounds for relief under Rule 59(e): "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice." *Hutchinson v. Staton*, 994 F.2d 1076, 1081 (4th Cir. 1993) (citing *Weyerhaeuser Corp. v. Koppers Co.*, 771 F. Supp. 1406, 1419 (D. Md. 1991); *Atkins v. Marathon LeTourneau Co.*, 130 F.R.D. 625, 626 (S.D. Miss. 1990)). Muhammad fails to satisfy any of the above grounds for relief under Rule 59(e). Rather, Muhammad simply rehashes the same arguments the Court already rejected. Muhammad's Rule 59(e) Motion (ECF No. 9) will be denied.

An appropriate Order shall issue.


_____/s/
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE

Date: Oct. 6, 2014
Richmond, Virginia